



**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

**FILED**  
10-27-06  
02:54 PM

Order Instituting Rulemaking to Implement the Commission's Procurement Incentive Framework and to Examine the Integration of Greenhouse Gas Emissions Standards into Procurement Policies.

Rulemaking 06-04-009

**REPLY COMMENTS OF PACIFIC GAS AND ELECTRIC  
COMPANY (U 39 E) ON FINAL STAFF  
RECOMMENDATIONS ON GREENHOUSE GAS  
EMISSIONS PERFORMANCE STANDARD PURSUANT  
TO SB 1368**

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Dated: October 27, 2006

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**I. INTRODUCTION**

Pursuant to the October 5, 2006, Assigned Commissioner's Ruling as supplemented by the October 23, 2006, Administrative Law Judge's (ALJ's) direction, Pacific Gas and Electric Company (PG&E) submits its reply comments on the final staff recommendations on a greenhouse gas emissions performance standard (EPS) pursuant to SB 1368 in this proceeding.

As discussed in more detail below, PG&E's comments respond to the three questions posed by the October 23 direction from the ALJ, as well as to certain comments by other parties.<sup>1/</sup>

**II. ALJ'S QUESTIONS**

The October 23 direction from the ALJ asked parties to respond to three specific definitional questions regarding applicability of the EPS. PG&E's responds to these questions below.

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<sup>1/</sup> In accordance with the October 5 ACR, PG&E will provide separate comments, if any, by November 1 on the supplemental material on Commerce Clause issues previously submitted by CEED.

**1. Should “bottoming cycle cogeneration” facilities be exempted from the EPS as requested by EPUC/CAC in their comments?**

PG&E RESPONSE: PG&E agrees that “bottoming cycle cogeneration” facilities may be deemed in compliance with the EPS if the generator can demonstrate that the only GHG emissions produced by the facility are caused by the underlying industrial process, not by the generation of electricity. Assuming this is so, the generator should be able to obtain an up-front generic determination that the generation of power by the facility emits no GHG, and therefore is not subject to the EPS. However, the generator should make this demonstration on the record for each particular facility for which it is requesting this treatment.

**2. Is EPUC/CAC’s definition of the capacity factor to be used in the EPS screen acceptable?**

PG&E RESPONSE: EPUC/CAC would calculate the annual capacity factor of a powerplant by “summing the total annual energy deliveries of a resource, averaging them over the year, and then dividing that average by the plant’s maximum permitted capacity...” PG&E agrees with EPUC/CAC that the annual capacity factor should be calculated by looking at the underlying facility and how it is projected to operate. However, PG&E believes that the phrase “averaging them over the year” in EPUC/CAC’s definition is redundant and confusing, because the annual capacity factor in fact is the ratio of the total annual energy deliveries, divided by the plant’s maximum permitted capacity, without reference to any other “averaging.” Thus, PG&E recommends that EPUC/CAC’s definition be revised to read: “...summing the total annual energy deliveries of a resource, and then dividing the total by the plant’s maximum permitted capacity.”

**3. Is the following definition of “repowering” and “major renovations” appropriate for purposes of applying the EPS? : “Any investment that is intended to extend the life of one or more units of an existing baseload powerplant for five years or more, or results in a net increase in rated capacity of that powerplant. ‘Rated capacity’ refers to the nameplate capacity of the plant, i.e. the plant’s maximum rated output under specific conditions designated by the manufacturer and usually indicated in a nameplate physically attached to the generator.”**

PG&E RESPONSE: PG&E believes this definition is appropriate, provided that any *de minimis* size threshold applicable to new generating facilities or contracts is also applied to repowering and major plant renovations. Thus, if the Commission adopts a 25 MW size threshold as recommended in the Final Workshop Report, then the same size threshold should be applied to the net increase in rated capacity that would trigger the EPS review for a repowering or major plant renovation. In addition, any definition of “repowering” or “major renovation” should take into account that the repowering or renovation may be for a specific system or local reliability purpose, and therefore the case-by-case reliability exemption available as proposed by the Final Workshop Report should also be available in the case of such repowering or renovation if the load serving entity can make the required showing to the Commission.

**III. CONTRARY TO NRDC ET AL, A CASE-BY-CASE EXEMPTION OF FACILITIES NEEDED FOR RELIABILITY PURPOSES IS NECESSARY AND IN THE PUBLIC INTEREST**

NRDC, TURN, WRA and UCS argue that a case-by-case exemption from the EPS for reliability purposes is unnecessary because the design of the EPS itself protects against reliability risks. (Comments of NRDC *et al*, at 19- 20) PG&E disagrees. SB 1368 expressly requires the Commission to take into account reliability in establishing the EPS. In light of the myriad and multiple ongoing resource reliability and adequacy issues that the Commission must consider in

its prospective review of each LSE’s procurement and resource adequacy plans, there is no way that a single numerical EPS can take into account each and every reliability issue that may come up in connection with such plans, now and in the future, even as limited to long-term commitments for baseload resources. Given this “no size fits all” reality in reliability planning, it is essential that the Commission provide LSEs and their customers the flexibility to obtain case-by-case exemptions from the EPS where needed to maintain or enhance system or local reliability. A case-by-case process, which allows the Commission and interested parties the ability to review each exemption on its own merits, strikes the right balance between a potentially overbroad generic exemption for reliability needs, and an inflexible, single-purpose EPS. The Commission should adopt the Final Workshop Report’s recommendation for a case-by-case reliability exemption, as well as a similar case-by-case exemption where the Commission determines the costs of EPS compliance to be excessive.

#### **IV. THE PARTIES’ COMMENTS REINFORCE THE NEED FOR FURTHER WORKSHOPS BEFORE ESTABLISHING A METHODOLOGY FOR IMPUTING EMISSIONS FROM UNSPECIFIED CONTRACTS**

The parties’ comments continue to diverge on how an emissions rate should be imputed for contracts which procure power from unspecified resources inside California, outside California, or both. (See, *e.g.*, Comments of SCE at 10- 11; Comments of SDG&E at 14- 15; Comments of NRDC, *et al* at 24- 25; Comments of DRA at 5- 7.) For example, SDG&E argues that all system power, whether in-state or out of state, should be assigned the same imputed emissions value at the same point in time. (Comments of SDG&E at 15.) NRDC et al, on the other hand, is willing to support the CEC Net System Power Average only if the highest emissions rate for each fuel type is used to calculate the overall weighted emissions rate. (Comments of NRDC, *et al*, at 25.)

Based on the lack of agreement among the parties on a fair and transparent methodology, PG&E continues to believe that choosing a specific methodology for unspecified contracts, including the CEC Net System Power Average, is fraught with risk and potential unintended consequences in this proceeding. It may be that a form of the CEC methodology can be adapted for use for the EPS; it may be that a specific numerical imputed value can be adopted; or it may be that neither is workable or wise at this time, given the importance of system power and imports in California's resource mix. Although PG&E does not depend upon system purchases under its current procurement plans, the potential future use of such purchases is important to maintain in order to maximize the flexible options available to meet our customers' needs, especially if PG&E makes greater use of firm transmission rights for long term procurement. PG&E agrees that the EPS should neither over-incent nor dis-incent the potential use of system power resources, and therefore recommends that the Commission adopt PG&E's recommendation to defer this important issue into a separate workshop in this proceeding, with the CPUC and CEC staff and interested parties tasked to consider the various technical and methodological issues in an open, informal setting, with hopes that a workable approach can be hammered out on a consensus basis in time to be incorporated into the Commission's final decision.

**V. CONTRARY TO LS POWER AND CONSTELLATION, SB 1368 DOES NOT PERMIT APPLICATION OF THE EPS TO EXISTING UTILITY OWNED GENERATING FACILITIES**

LS Power and Constellation NewEnergy *et al* argue that utility owned generating plants should be treated the same as procurement contracts, and thus presumably be required to be reviewed under the EPS periodically without regard to whether the plants change ownership or change their design characteristics. (Comments of LS Power at 2; Comments of Constellation

NewEnergy *et al*, at 4- 10.) Contrary to LS Power and Constellation, SB 1368 does not permit periodic review of utility plants as they recommend, nor does SB 1368 discriminate against non-utility owned plants in this respect. Public Utilities Code section 8340(j) is quite clear in applying the EPS only to “a new ownership investment in baseload generation” or “a new or renewed contract with term of five or more years, which includes procurement of baseload generation.” Existing utility owned baseload generation thus is outside the scope of the EPS, as are existing contracts through the remainder of their term. In this respect, SB 1368 treats both utility owned and non-utility owned generation equally. LS Power and Constellation’s interpretation would contradict both the letter and intent of SB 1368 and should be rejected.

**VI. PG&E AGREES WITH IEP THAT THE EPS SHOULD BE SET AT A LEVEL THAT TAKES INTO ACCOUNT DRY COOLING AND SITING IN WARMER INLAND AREAS**

IEP recommends that the Commission consider setting the EPS at 1,200 lbs CO<sub>2</sub>/MWH, in order to take into account the environmental benefits of dry cooling as well as the efficiency benefits of siting in warmer inland areas, both of which may result in somewhat higher GHG emissions than coastal plants with once-through cooling. (Comments of IEP at 6.) PG&E agrees with IEP that these environmental and geographic trends should be taken into account by the Commission when setting the numerical EPS. For these reasons, and to provide a straight-forward method of comparison across facilities in different climate zones and at different conditions, PG&E has recommended that the full load design heat rate of the facility, at ISO conditions and corrected for dry cooling, should be used to demonstrate compliance with the EPS. In this regard, it is also important to note that a 1,200 lb standard, and even a 1,400 lb standard (recommended by SCE) would still achieve the goal of significantly constraining incremental GHG emissions pending adoption of an overall GHG cap under AB 32.

## VII. CONCLUSION

For the reasons stated in these comments as well as PG&E's other comments and data submitted in this proceeding, PG&E requests that the Commission adopt an EPS consistent with PG&E's recommendations.

Respectfully Submitted,

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By: \_\_\_\_\_ /s/

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## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of "**REPLY COMMENTS OF PACIFIC GAS AND ELECTRIC COMPANY (U 39 E) ON FINAL STAFF RECOMMENDATIONS ON GREENHOUSE GS EMISSIONS PERFORMANCE STANDARD PURSUANT TO SB 1368**" on the parties listed below and the parties listed in the official service list for R.04-04-009 by

- transmitting an e-mail message with the document attached to each party on the official service list providing an email address; or
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Executed on October 27, 2006, at San Francisco, California.

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/s/  
MARTIE L. WAY

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# THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SERVICE LIST

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# THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SERVICE LIST

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## CPUC DOCKET NO. R0604009 CPUC REV 10-26-06

Total number of addressees: 212

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